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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,430	09/05/2003	John Murdock	Murdock 001	7568

7590 07/14/2004

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EXAMINER

MCCARRY JR, ROBERT J

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/656,430	Applicant(s) MURDOCK, JOHN	
	Examiner Robert J. McCarry, Jr.	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 12-14, 20, 21 and 23 is/are rejected.
- 7) ☒ Claim(s) 4-11, 15-19 and 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 12-14 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Beasley (US 5,400,550).

Beasley discloses a turntable comprising a center disk 78, a plurality of petals 30 attached to the center disk 78 for defining a turntable deck. A plurality of outer rollers 62 are connected to the petals 30 by way of an arcuate rim 34, as shown in figure 3. The rollers move along track assemblies shown both in figure 11 and 13. A motor 110 is adapted to rotatably move the turntable and thereby guide it along the tracks. The petals are made up of two parts, best shown in figure 7. The petal has a lower half with first radial edges and reinforcing flanges 84 extending from the first radial edges. The second piece is a plate 88 having second radial edges. The plate 88 does not have extending flanges. The turntable is further comprised of horizontal beams 26 of a fixed length which extend outward from the center disk 78 to the arcuate rim 34 to form a substructure for supporting the petals 30.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Saunders (US 5,676,601).

Saunders discloses a turntable comprising a hydraulic pump 14 is operated to produce hydraulic fluid under a desired pressure. When the pressure is supplied to the motor 35 it then rotates the turntable and the auxiliary components mounted on the turntable. The movements of the components can be controlled by switch 59 under control of the user. The Examiner has interpreted that since the auxiliary components and the turntable are operated by the same hydraulic motor and pump that the turntable speed would in turn be controlled by the same switch 59 that controls the auxiliary components.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beasley (US 5,400,550) in view of Saunders (US 5,676,601).

Beasley discloses a construction for a turntable as described above comprised of a center disk, a subframe of horizontally extending beams 26 and an arcuate rim 34. Connected to the arcuate rim 34 are a plurality of rollers 62 and a track engaged by the rollers 62. However, Beasley does not disclose the use of a hydraulic motor for driving the turntable. Saunders discloses a turntable operated by a hydraulic motor as described above. It would have been obvious to one of ordinary skill in the art to have

applied a hydraulic motor, like that of Saunders, to a turntable, like that of Beasley, as a functional substitute to an electric motor like that used in Beasley.

Beasley also discloses a plurality of horizontally extending beams and rollers but does not specifically disclose the exact amount of roller and petals used in construction of the turntable. It would have been an obvious design choice to one of ordinary skill in the art to use specific amounts for rollers and petals based on the desired size of the turntable to be constructed.

Allowable Subject Matter

Claims 4-11, 15-19 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. James (US 4,753,173, Hadley (US 6,672,221) and Hill (US 6,745,699) all disclose types of turntables.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 8:00am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone


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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM

July 9, 2004


ROBERT J. McCARRY, JR.
PATENT EXAMINER
3617
7/9/04